

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Case No. 05-C-182
(92-CR-178)**

REGINALD ALLISON,

Movant.

DECISION AND ORDER

On February 16, 2005, Reginald Allison (“Allison”) filed his motion pursuant to 28 U.S.C. § 2255. On July 7, 2005, the Court dismissed certain grounds for relief, but required the government to answer the remaining claims. Since that time, the Court has granted three extensions of time for filing an answer. Allison has not taken kindly to the government’s delay, as evidenced by his filing of a motion for summary judgment on February 13, 2006. Allison filed an amended motion on February 16, 2006.

Allison’s motions essentially argue that the government’s behavior is unconscionable and its failure to timely answer is an affront to the authority of the Court. Allison does not find the government’s proffered justifications for its repeated delays to be credible.

While Allison’s frustration is understandable, the Court has found the government’s motions to be substantiated and granted them accordingly. This is not to say that the Court’s

patience is endless. Regardless, the granting of summary judgment is not an appropriate sanction for the government's failure to timely answer Allison's § 2255 motion. *See Johnson v. Gudmundsson*, 35 F.3d 1104, 1112 (7th Cir. 1994). Therefore, Johnson's motions for summary judgment are denied.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT:**

Allison's Motions for Summary Judgment (Docket Nos. 20 & 21) are **DENIED**.

Dated at Milwaukee, Wisconsin this 22nd day of February, 2006.

BY THE COURT

s/ Rudolph T. Randa

Hon. Rudolph T. Randa
Chief Judge